

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

GENERAL METALS OF TACOMA, INC., a  
Washington corporation; and ARKEMA  
INC., a Pennsylvania corporation,

Plaintiffs,

v.

BEAN ENVIRONMENTAL LLC, a  
Delaware limited liability company; and  
BEAN DREDGING LLC, a Louisiana limited  
liability company,

Defendants.

Case No. C05-5306RBL

ORDER

This matter is before the Court on plaintiffs' motion for costs [Dkt. #376]. The Court has reviewed the motion and the supporting invoices, defendants' opposition, plaintiffs' reply, and the clerk's minutes of the trial.

As a general proposition, plaintiffs as prevailing parties are entitled to an award of costs. Fed. R. Civ. P. 54(d). For purposes of this motion, costs are those costs as allowed under 28 U.S.C. §1920. The Court has the discretion to interpret the meaning of costs under §1920. *Alflex Corp. v. Underwriters Laboratories, Inc.*, 914 F.2d 175, 177 (9<sup>th</sup> Cir. 1990). In this cost bill plaintiffs seek extremely large sums for deposition costs (\$68,946.25) and for printing and copying costs (\$166,364.86). In determining taxable costs, the Court will allow the costs of depositions actually used at trial, will disallow costs for a videotape if the videotape was not played at trial, and will reduce the costs sought for unnecessary expenses such as expedited preparation and the copying of exhibits. The Court will, however, allow the costs for the lodging and meals for the court

1 reporter and videographer in Holland.

2 As for printing and copying costs, the Court will generally reduce the costs because plaintiffs do not  
 3 adequately support their requests for in-house copy costs and seek reimbursement for printing expenses from  
 4 outside contractors which are not adequately explained. The Court will also reduce the costs for extraneous  
 5 items such as CD/DVD copies, blowbacks and the like as costs which were incurred for the convenience of  
 6 counsel. In realization of the size of this litigation and the amount of documents which the Court, with some  
 7 confidence, can say were necessarily obtained for use in this case, the Court will tax as a cost a reasonable fee  
 8 for printing and copying.

#### 9 TAXATION OF COSTS

10 Fees of the Clerk \$ 250.00

11 Fees for service of process (28 U.S.C. §1920(1)) \$ 46.05

12 Fees for service of subpoenas are not allowable  
 13 costs. Costs will not be taxed without supporting  
 documentation. Rush delivery fee is not taxable.

14 Fees of the Court Reporter-Depositions (28 U.S.C. §1920(2)) \$ 33,051.14

15 Fees were not allowed for the depositions of  
 16 Matthew Zepeda, David Gehring, Eustolio  
 Rodriquez, Steve Castillo, William Hoffman,  
 17 Timothy Harrington, Donald Hayes, Ronald  
 Vann, Gregory Smith, William Keij, Robert  
 18 Dugas, Mark Otten, Richard May (published  
 but not used), Fred Wolf, Matthew Cusma  
 19 (published but not used), Ram Mohan, Nicholas  
 Lesnikowski, Jerry Hainline, and Julius Bechly.

20 Fees of the Court Reporter-Trial (28 U.S.C. §1920(2)) \$ 435.60

21 Fees for printing and copying (28 U.S.C. §§1920(3), (4)) \$ 66,545.94

22 Compensation for interpreters and translators (29 U.S.C. §1920(6)) \$ 16,065.00

23 The Court will disallow the interpreter fee for  
 24 the deposition of Eustolio Rodriquez. The entire  
 translation fee for the Dutch emails is allowed

25 TOTAL \$101,993.73

26 The total costs of \$101,993.73 represents a reasonable taxation of costs.

Dated this 2<sup>nd</sup> day of April, 2007.

  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE